

Message Text

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ACTION ARA-10

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SUBJECT: DRUMMOND SUIT AGAINST TREATY NEGOTIATIONS

REF: A. PANAMA 7371, B. PANAMA 7377

1. ON DECEMBER 1, UNITED STATES ATTORNEY FOR THE CANAL ZONE VIOLANTI CONFIRMED TO EMBASSY THAT A PETITION TO INTERVENE IN DRUMMOND SUIT (REF A) WAS FILED WITH DISTRICT COURT HERE ON NOVEMBER 24 BY SENATORS THURMOND, MCCLURE AND HELMS AND CONGRESSMEN FLOOD, SNYDER, AND MCDONALD. IF PETITION IS GRANTED BY COURT, PETITIONERS WOULD IN EFFECT BECOME CO-COMPLAINANTS WITH DRUMMOND IN SUIT.

2. IN THEIR PETITION (COPY POUCHED ARA/PAN - BECKER), THE MEMBERS OF CONGRESS ASSOCIATE THEMSELVES WITH DRUMMOND'S COMPLAINT AND SEEK SIMILAR RELIEF.

3. U.S. ATTORNEY FURTHER ADVISED THAT DRUMMOND IS NOW FORMALLY REPRESENTED BY WASHINGTON, D.C. ATTORNEY GEORGE STEVEN LEONARD, WHO IS ALSO REPRESENTING THE SIX MEMBERS OF CONGRESS.

4. ON DECEMBER 3, U.S. ATTORNEY FILED WITH COURT A MOTION
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TO DISMISS DRUMMOND'S COMPLAINT, ON WHICH A HEARING

HAS BEEN SET FOR DECEMBER 17. PETITION TO INTERVENE IN CASE WILL BE HEARD AT SAME TIME. U.S. ATTORNEY FELT PERSONALLY THAT LEGAL ARGUMENT AND PRECEDENT FOR DISMISSAL OF COMPLAINT ON GROUNDS THAT COURT LACKS JURISDICTION TO TRY CASE WERE VERY STRONG, AND HE WAS FAIRLY CONFIDENT THAT COURT WOULD GRANT HIS MOTION AND DISMISS. IN THAT EVENT, IF DRUMMOND CHOSE TO PURSUE HIS SUIT WITH OR WITHOUT THE MEMBERS OF CONGRESS, HE WOULD PROBABLY HAVE TO RE-FILE THE COMPLAINT WITH U.S. DISTRICT COURT IN WASHINGTON, D.C.

5. U.S. ATTORNEY'S MOTION TO DISMISS WAS COVERED IN FRONT-PAGE STORIES IN ENGLISH-LANGUAGE "STAR AND HERALD" AND COMPANION SPANISH "ESTRELLA" MORNING OF DECEMBER 3. STORIES CONSISTED LARGELY OF QUOTATIONS FROM U.S. ATTORNEY'S MOTION, AND IN ADDITION TO ARGUMENT OF LACK OF JURISDICTION STRESSED THE MOTION'S OTHER CITED GROUNDS FOR DISMISSAL, I.E., THAT THE SUIT PRESENTS A POLITICAL QUESTION OUT OF JURISDICTION OF COURTS, AND THAT PLAINTIFF'S CLAIMED INJURY WAS SO ABSTRACT AS TO PRESENT A CASE NOT RIPE FOR JUDICIAL DETERMINATION.

6. TO DATE, HOWEVER, THERE HAS BEEN NO LOCAL PUBLICITY-- AND THERE APPEARS TO BE ALMOST NO KNOWLEDGE LOCALLY, EVEN IN CANAL ZONE CIRCLES NORMALLY WELL-DISPOSED TO DRUMMOND AND HOSTILE TO TREATY NEGOTIATIONS--ABOUT THE PETITION TO INTERVENE BY THE SIX CONGRESSMEN.

7. COMMENT: WE EXPECT THAT DRUMMOND IS SAVING THIS LAST ITEM FOR USE AT THE RALLY HE IS SEEKING TO ORGANIZE FOR NIGHT OF DECEMBER 7 (SEPTEL). WE ANTICIPATE THAT HE WILL USE IT TO DEMONSTRATE TO HIS AUDIENCE THE STRENGTH AND DEGREE OF COMMITMENT OF CONGRESSIONAL OPPOSITION TO TREATY NEGOTIATIONS. END COMMENT.

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